

## Message Text

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ACTION IO-10

INFO OCT-01 AF-06 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02 CU-02

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O R 031156Z NOV 75

FM AMEMBASSY PRETORIA

TO USMISSION USUN NY IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 3081

AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

C O N F I D E N T I A L SECTION 1 OF 2 PRETORIA 4210

E.O. 11652: GDS

TAGS: PFOR, PINS, UNGA, SF

SUBJ: SOUTH AFRICAN DETAINEES

REF: A) PRETORIA 4196, (B) USUN 5549, (C) PRETORIA 4208

1. AS REPORTED EARLIER (REF A), PERSONS LISTED IN REF B CURRENTLY ARE ON TRIAL OR (IN CASE OF VARIAVA) WILL BE TRIED SHORTLY, CHARGED WITH "PARTICIPATION IN TERRORISTIC ACTIVITIES" AS WIDELY DEFINED BY CERTAIN PROVISIONS OF THE TERRORISM ACT. THE TEN WERE ORIGINALLY PART OF GROUP OF THIRTEEN MEMBERS OF SOUTH AFRICAN STUDENT ORGANIZATION (SASO), BLACK PEOPLE'S CONVENTION (PBC), AND OTHER BLACK GROUPS, WHO FIRST APPEARED IN COURT IN LATE JANUARY 1975.

2. ALL WERE ARRESTED DURING SAG CRACKDOWN ON BLACK CONSCIOUSNESS GROUPS FOLLOWING "VIVA FRELIMO" RALLIES HELD IN DURBAN AND AT (BLACK) UNIVERSITY OF THE NORTH ON SEPT 25, 1974. DETENTIONS DURING PERIOD WERE EXTENSIVE IN APPARENT EFFORT TO DESTROY GROWING UNITY MOVEMENT AMONG YOUNG BLACKS.

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CHARGES AGAINST TWO OF THE THIRTEEN WERE DROPPED WITHOUT

EXPLANATION AT END OF PRELIMINARY TRIAL PROCEEDINGS. NEW INDICTMENT WAS DRAWN AGAINST RUBEN HARE IN LATE JUNE, BUT CHARGES WERE DROPPED IN SEPTEMBER. SEPARATE INDICTMENT WAS DRAWN AGAINST VARIAVE, WHO IS NOW SCHEDULED FOR TRIAL IN DECEMBER. THIRD INDICTMENT CONSISTING OF THIRTEEN COUNTS WAS DRAWN AGAINST REMAINING NINE, WHOSE DEFENSE CASE IS SCHEDULED TO BEGIN NOV 17.

EM UNDER TERMS OF TERRORISM ACT, ACCUSED IS GUILTY OF PARTICIPATION IN TERRORISTIC ACTIVITIES IF, INTER ALIA, HE IS FOUND TO HAVE COMMITTED, TO HAVE ATTEMPTED TO COMMIT, TO HAVE CONSPIRED TO COMMIT OR TO HAVE INCITED OR ENCOURAGED ANY-ONE TO COMMIT ANY REPEAT ANY ACT WHICH "HAD OR WAS LIKELY TO HAVE HAD" ANY ONE OF TWELVE LOOSELY DEFINED RESULTS. ONUS IS ON ACCUSED TO PROVE THAT HIS INTENTION WAS NOT TO COMMIT AN ACT WHICH WOULD HAVE ANY OF THE ENUMERATED RESULTS. IF CONVICTED, MINIMUM SENTENCE IS FIVE YEARS' IMPRISONMENT AND MAXIMUM MAY BE DEATH PENALTY.

4. PERSONS LISTED REF B ARE CHARGED WITH COMMITTING ACTS (ALMOST ALL EITHER WRITTEN OR SPOKEN) WHICH HAD OR COULD HAVE HAD ONE OR MORE OF FOLLOWING RESULTS: (A) HAMPER ANY PERSON FROM ASSISTING MAINTENANCE OF LAW AND ORDER; (B) PROMOTE, BY ITIMIDATION, THE ACHIEVEMENT OF ANY OBJECT; (C) CAUSE OR ENCOURAGE AN INSURRECTION OR FORCIBLE RESISTANCE TO STATE; (D) ENCOURAGE ACHIEVEMENT OF ANY POLITICAL AIM BY VIOLENCE OR FORCIBLE MEANS; (E) ENDANGER SAFETY OF ANY PERSON; (F) CAUSE SUBSTANTIAL FINANCIAL LOSS TO ANY PERSON OR THE STATE; (G) CAUSE, ENCOURAGE, OR FURTHER FEELINGS OF HOSTILITY BETWEEN WHITE AND BLACK; AND (H) EMBARRASS ADMINISTRATION OF AFFAIRS OF STATE. EXCLUDING WRITING, PUBLISHING, DISTRIBUTING, AND SPEAKING, ONLY "PHYSICAL" ACT ALLEGED IS ORGANIZING WHAT STATE CALLS "PRO FRELIMO RALLIES". ACCUSED ARE NOT CHARGED WITH VIOLENCE BUT WITH COMMITTING "ACTS" WHICH DID RESULT IN VIOLENCE (POLICE FORCIBLY BROKE UP RALLIES) OR COULD HAVE HAD VIOLENCE AS RESULT.

5. SPECIFICS AGAINST PERSONS (EXCEPT VARIAVA) MENTIONED REF B ARE AS FOLLOWS:

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COUNT 1: COOPER, MYEZA, LEKOTA, MAKOAPE, NKOMO, NEFOLOVHODWE, SEDIBE AND MOODLEY, ACTING THROUGH OR IN NAME OF SASO AND/OR BPC CONSPIRED TO COMMIT ACTS (A) TO BRING ABOUT REVOLUTIONARY CHANGE IN SA SYSTEM BY UNCONSTITUTIONAL AND/OR VIOLENT MEANS OR BY THREAT OF SUCH MEANS; (B) TO CAUSE, ENCOURAGE OR FURTHER FEELINGS OF HOSTILITY BETWEEN WHITES AND OTHERS IN SA. CONSPIRACY IS INFERRED FROM "FACT" THAT SASO AND BPC WERE INGAGED IN ACTS (SPOKEN AND WRITTEN) WHICH AIMED TO

(A) "FORM A BLACK POWER BLOC, HOSTILE TO THE STATE AND THE WHITE POPULATION GROUP;" (B) "INSTILL AND FOSTER IN BLACKS A SPIRIT OF AGGRESSION AND A DESIRE FOR REVENGE AGAINST THE STATE AND THE WHITES;" (C) "OPPOSE AND DENIGRATE THE BLACK HOMELAND LEADERS" AND TO EULOGIZE PERSONS CONVICTED OF CRIMES; (D) ISOLATE SA FROM THE INTERNATIONAL COMMUNITY; (E) UNDERMINE (BY ADVOCATING STRIKES) ECONOMIC SYSTEM OF SA; AND (F) COOPERATE AND COMMUNICATE WITH FOREIGN GROUPS HOSTILE TO SA (WORLD COUNCIL OF CHURCHES MENTIONED IN COURT).

COUNT 2: COOPER, MYEZA, LEKOTA, MOKOAPE, NKOMO, NEFOLOVHODWE, SEDIBE AND CINDI ORGANIZED "PRO-FRELIMO RALLIES," WHICH WERE BANNED BY SAG PRIOR TO BEING HELD, WITH INTENT TO ENDANGER MAINTENANCE OF LAW AND ORDER. (ACCORDING TO TRIAL TESTIMONY BY POLICE AND OTHER WITNESSES, ONLY VIOLENCE AT RALLIES OCCURRED WHEN POLICE BROKE UP RALLIES USING DOGS AND CLUBS.)

COUNT 3: COOPER RECITED POEM AT SHARPEVILLE COMMEMORATION CEREMONY. POEM MENTIONS COURAGE AND DIGNITY OF PEOPLE "AGAINST AN ARMY OF OPPRESSION" AND DESCRIBES THE SHOOTING AS "KILLING INNOCENCE IN THE NAME OF JUSTICE." MOKOAPE DELIVERED SPEECH "IN WHICH HE PORTRAYED THE WHITE MAN AS A CALLOUS MURDERER OF THE BLACKS."

COUNT 4: NEFOLOVHODWE, SEDIBE AND CINDI ADOPTED OR TRANSMITTED SASO RESOLUTION WHICH RECOMMENDED THAT BLACKS "BE CONDITIONED TO IDENTIFY THEMSELVES WITH AND TO ASSIST PERSONS" WHO ARE REFERRED TO AS FREEDOM FIGHTERS.  
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INFO OCT-01 AF-06 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02 CU-02

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O R 031156Z NOV 75

FM AMEMBASSY PRETORIA  
TO USMISSION USUN NY IMMEDIATE  
INFO SECSTATE WASHDC IMMEDIATE 3082  
AMCONSUL CAPE TOWN  
AMCONSUL DURBAN  
AM ONSUL JOHANNESBURG 5174

C O N F I D E N T I A L FINAL SECTION OF 2 PRETORIA 4210

COUNT 5: COOPER WROTE OR ASSISTED IN WRITING (A) BROADSIDES SUPPORTING A TRAIN BOYCOTT, AND (B) AN INFORMATION BROCHURE WHICH DOCUMENTS REPRESSIVE OR VIOLENT ACTS OF WHITES AGAINST BLACKS AND OUTLINES PRINCIPLES AND AIMS OF BPC (CHIEFLY VARIATIONS OF BLACK SOLIDARITY).

COUNT 6: COOPER DISTRIBUTED DOCUMENTS IN COUNT 5.

COUNT 7: COOPER WROTE OR COMPILED DOCUMENTS IN BPC NEWS-LETTER (27 PAGES OF ESSAYS ABOUT BLACK SOLIDARITY, WHITE VIOLENCE AGAINST BLACKS, EFFECTIVENESS OF STRIKES, DIATRIBES AGAINST HOMELANDS AND FOREIGN INVESTMENT, POEM WHICH STATES "LET'S FIGHT FOR OUR FREEDOM").

COUNT 8: COOPER ORGANIZED SHARPEVILLE COMMEMORATION MEETING, AND ADVISED OR ENCOURAGED ONE H. SINGH TO DELIVER SPEECH "IN WHICH HATRED FOR AND ENMITY AGAINST WHITES IS PROPAGATED."

COUNT 9: MYEZA INSTRUCTED SASO OFFICE TO DISTRIBUTE DOCUMENT TITLED "MAYIBUYE". DOCUMENT URGES BLACKS TO REMEMBER  
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SHARPEVILLE AND OBSERVE DAY OF MOURNING, STATES BLACKS MUST UNITY ("OUR WEAPON IS UNITY") AND CLOSING WITH "POWER TO THE BLACK PEOPLE--LONG LIVE THE GUERRILLAS".

COUNT 10: MYEZA PROPOSED RESOLUTION AT SASO GENERAL STUDENTS COUNCIL MEETING WHICH TERMS SAG "FASCIST NON-REPRESENTATIVE REGIME" AND CONDEMNES "SAVAGE ATROCITIES" OF SAG. RESOLUTION CONCERNS FORCED REMOVAL OF BLACKS FROM CERTAIN AREAS DECLARED TO BE "WHITE".

COUNT 11: NKOMO WROTE AND ISSUED DOCUMENT WHICH DISCUSSES "BLACK GOSPEL" ("WE...SHALL OVERCOME THE EVIL...WE SHALL STAND BY WHAT IS RIGHTFULLY OURS) AND PRAISES LEADERS IN BLACK CONSCIOUSNESS MOVEMENT.

COUNT 12: MOODLEY WROTE AND PUBLISHED ARTICLE ENTITLED "FEAR--AN IMPORTANT DETERMINANT IN SOUTH AFRICAN POLITICS", AND WHICH STATES WHITES FEAR BLACKS, BLACKS FEAR WHITES, FORCE IS WAY OF LIFE FOR WHITES, FACT OF LIVING APART MAKES

ASPIRATIONS OF TWO GROUPS DIAMETRICALLY OPPOSED, AND  
(A LA CESAIRE) HITLER IS NOT DEAD--HE IS LIKELY TO BE FOUND  
IN PRETORIA.

COUNT 13: COOPER WROTE AND PUBLISHED ARTICLE ENTITLED  
"UGANDAN ASIANS AND THE LESSON FOR US". THESIS IS THAT  
WHILE AMIN WAS WRONG TO EXPEL ASIANS, THEY DESERVE MAJOR  
SHARE OF BLAME FOR EXPLOITING OTHER BLACKS AND NOT IDENTIFY-  
ING WITH FREEDOM STRUGGLE.

6. CHARGES AGAINST VARIAVA CONTAINED IN TWO COUNTS:  
COUNT 1: PUBLISHED PET NEWSLETTER (PEOPLE'S EXPERIMENTAL  
THEATER) AND WROTE (A) POEM CONTAINING LINE "OPPRESSORS  
DEATH IS BLACK SURVIVAL" (WHICH IN CONTEXT IS OPEN TO VARY-  
ING INTERPRETATIONS); (B) ESSAY ON BLACK CONSCIOUSNESS WHICH  
STATES BLACKS MUST BREAK CHAINS, COMPLETELY TRANSFORM SYSTEM,  
BUILD COUNTERPOINT TO WHITE RACISM IN ORDER TO CREATE LAND  
IN WHICH BLACK AND WHITE CAN LIVE IN HARMONY, AND ALL BLACKS  
(ARICANS, COLORED, AND INDIANS) SHOULD UNITE AGAINST  
COMMON OPPRESSORS; AND (C) INFLAMMATORY AND OBSCENE POEM  
WHICH SAYS PEOPLE HEAR DRUM OF BLACK CONSCIOUSNESS, CLENCH  
THEIR FISTS AND PICK UP THEIR SPEARS.  
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COUNT 2: PRODUCED PLAY ENTITLED SHANTI (WHICH HAS HERO  
JOINING GUERRILLA CAMP), INFLAMMATORY OPEM ENTITLED "BLACK  
NANA AVENGE\* ARISE\*" AND MONOLOGUE WHICH SUGGESTS IT IS  
PRACTICE OF STATE AND WHITES "TO COMMIT MURDERS AND  
ATROCITIES" AGAINST BLACKS.

COMMENT: THE "ACTS" WITH WHICH ACCUSED ARE CHARGED  
WOULD PROBABLY NOT BE CRIMES UNDER US SYSTEM, AND CERTAINLY  
WOULD NOT BE CONSTRUED AS PARTICIPATION IN TERRORISTIC  
ACTIVITIES. SAG PERCEIVES THE SOMETIMES ELOQUENT, SOMETIMES  
INFLAMMATORY ARTICULATION OF EXTREME BLACK BITTERNESS AGAINST  
THE CRUSHING SYSTEM OF APARTHEID AS A VERY REAL AND IMMEDIATE  
THREAT TO THE MAINTENANCE OF WHITE DOMINATION, A D THIS IS  
AN ACCURATE PERCEPTION. THE MYRIAD REPRESSIVE LEGISLATION,  
AND ESPECIALLY THE TERRORISM ACT, IS USED TO COERCE  
INDIVIDUALS AND ORGANIZATIONS FROM GALVANIZING THE BLACK  
MAJORITY TO ACTION AGAINST A SYSTEM WHICH DENIES SO MANY  
BASIC HUMAN RIGHTS.

8. SINCE CASE OF THESE INDIVIDUALS IS SUB JUDICE, PUBLIC  
COMMENT ON THEM COULD PROVE HARMFUL TO THE DEFENDENTS BY  
CREATING PUBLICITY THAT COULD AFFECT THE JUDGE'S HANDLING  
OF THE CASE.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** RACIAL DISCRIMINATION, TERRORISTS, POLITICAL PRISONERS, POLITICAL CRIMES, RELATIONS WITH INTERNATIONAL ORGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 NOV 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Reference:** 75 PRETORIA 4196, 75 PRETORIA 4208  
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**Review Authority:** ShawDG  
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**Review Date:** 03 JUL 2003  
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**Review Transfer Date:**  
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**Status:** NATIVE  
**Subject:** SOUTH AFRICAN DETAINEES  
**TAGS:** PFOR, PINS, PINT, SF, UNGA  
**To:** USUN NEW YORK  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006